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# Ill. Admin. Code tit. 20 § 1230.15

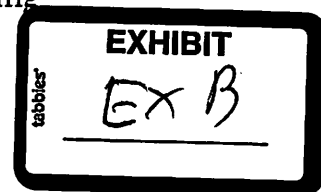
Current through Register Vol. 48, No. 5, February 2, 2024

Section 1230.15 - [Effective until 2/12/2024] FOID Card and Assault  
Weapon Electronic Endorsement Affidavit Requirement

a) FOID Card Requirement. Pursuant to Section 2 of the Act, *no person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police.* [430 ILCS 65/2(a)(1) ]

1) Pursuant to Section 12 of the Act, if an Illinois resident without a FOID Card inherits a firearm or firearm ammunition upon the death of the owner, the provisions of the Act and this Part shall not apply to the person until 60 days after the passing or transfer of the firearm or ammunition. [430 ILCS 65/12 ]

2) *Except as provided in subsection (e) of Section 24-1.9 of the Criminal Code of 2012 and beginning on January 1, 2024, any person, who moves into this State in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or*



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3) If a FOID Card application is denied, then upon receipt of the denial notice, any person who possesses a firearm or firearm ammunition and applied for a FOID Card upon inheriting or moving to Illinois must transfer the firearm or firearm ammunition to a person authorized to possess the firearm.

b) Electronic Endorsement Affidavit Requirement. Any person, other than individuals exempt by Section 24-1.9(e) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(d)], in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, must electronically file an endorsement affidavit through the online FOID/FCCL system beginning October 1, 2023, but shall be completed no later than January 1, 2024.

1) *Any person who moves into Illinois in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, shall complete the endorsement affidavit within 60 days after moving to Illinois. [720 ILCS 5/24-1.9(d)]*

2) The electronic endorsement affidavit requirements of this Section do not apply to:

A) Peace officers;

B) Qualified law enforcement officers and retirees;

C) the acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping that agency's peace officers; and

D) Wardens, superintendents, and keepers of correctional institutions for the detention of persons accused or convicted of an offense. (See 720 ILCS 5/24-1.9(e)(1-4)).

3) Exemptions for Official Duties.

duties:

- i) Armed security personnel in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission;
- ii) Private security personnel licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; and
- iii) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, who are also exempt while traveling to or from their places of duty.

B) However, these persons must complete an electronic endorsement affidavit if their possession of these items extends beyond the performance of their official duties. (See 720 ILCS 5/24 1.9(e)).

4) Other Exemptions.

A) The following persons are not required to complete an electronic endorsement affidavit under the following circumstances:

- i) Olympic target shooting competitors and coaches in possession of any firearm sanctioned by the International Olympic Committee and by USA Shooting;
- ii) Nonresidents who are transporting an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge to any other place where the nonresident may lawfully possess and carry that weapon;
- iii) Persons in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge

B, if the possession is only for hunting use expressly permitted under the Wildlife Code [520 ILCS 5 ]; and

v) Persons in possession of blank-firing assault weapons if the possession is only for props for a motion picture, television or video production or entertainment event. (See 720 ILCS 5/241.9(e)(7)(C)(v)).

B) However, these persons must have completed an electronic endorsement affidavit if their possession of these items extends beyond the circumstances outlined in subsection (b)(4)(A). For example, if a person owns an assault weapon and hunts with it, their possession extends beyond hunting use; or if a person owns an assault weapon and takes it to an event at the World Shooting and Recreational Complex at Sparta, their possession extends beyond possession at the World Shooting and Recreational Complex at Sparta. As a result, the persons in the above examples would be required to complete an electronic endorsement affidavit. If a person does not own an assault weapon but rather rents or borrows one from a neighbor for hunting or a teammate for a shooting event and returns it upon the conclusion of the purpose, their possession does not extend beyond the permitted circumstances and that person would not be required to complete an electronic endorsement affidavit.

5) Nothing in this Section shall be construed to make lawful the acquisition, transportation, or possession of firearms or firearm ammunition which is otherwise prohibited by law, for example this Act and the Wildlife Code [520 ILCS 5 ].

c) Electronic Endorsement Affidavit Contents. The endorsement affidavit shall include:

*caliber rifle, or .50 caliber cartridge before January 10, 2023; or*

B) inherited such items from a person with an endorsement under Section 24-1.9 of the Criminal Code of 2012 [720 ILCS 5/24-1.9] or from a person authorized under Section 24-1.9(e)(1) through (5) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(e)(1)-(5)] to possess such items; or

C) moved into Illinois after January 10, 2023 with such items; or

D) is filing an endorsement affidavit voluntarily;

3) *The make, model, caliber, and serial number of each assault weapon or .50 caliber rifle;*

4) *A warning printed in bold type that states: "Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012. Entering false information on this form is a violation of the Firearm Owners Identification Card Act."* [720 ILCS 5/24-1.9(d)]; and

5) An affirmation that the endorsement affidavit is signed under oath, swearing, affirming, and certifying, that the statements set forth in the endorsement affidavit are true and correct subject to the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109 ].

d) Electronic Endorsement Affidavit Filing Deadlines. The endorsement affidavit, shall be filed electronically through the online FOID/FCCL system, no later than:

1) January 1, 2024, if the person is an Illinois resident who possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, prior to January 10, 2023; or

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e) **Electronic Endorsement Affidavit Voluntary Compliance.** Any person in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, who is exempt from the endorsement affidavit requirements of Section 24-1.9(e) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(e)] may electronically file an endorsement affidavit through the online FOID/FCCL system voluntarily at any time.

f) **Penalty.** A person convicted of failure to possess a FOID Card as required by Section 2 of the Act or complete an electronic endorsement affidavit as required by Section 24-1.9 of the Criminal Code of 2012, commits a Class A misdemeanor or Class 3 or 4 felony depending upon the circumstances of the violation. (See 430 ILCS 65/14 and 720 ILCS 5/24-1(a)(15)).

*Ill. Admin. Code tit. 20, § 1230.15*

Transferred to 20 Ill. Adm. 3500.10 at 47 Ill. Reg. 2474.

Emergency rule added at 47 Ill. Reg. 14038, effective 9/15/2023, for a maximum of 150 days, exp. 2/12/2024 (Emergency)

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Section 1230.15 - [Effective 2/12/2024] Definitions for Section 1230.75 (Transferred)

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